

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

AQUA BOX PRODUCTS, LLC, et al.,

Defendants.

CASE NO. C12-605 RSM

ORDER GRANTING PLAINTIFF'S
MOTION TO SEAL DOCUMENTS
IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court upon Plaintiff NPI's stipulated motion to seal documents containing confidential sales figures. Dkt. # 59. Specifically, NPI seeks to seal the Declaration of Ewa M. Davison and the attached Exhibit 26 in support of its Opposition to Defendants' motion for summary judgment.

"There is a strong presumption of public access to the court's files." CR 5(g). To obtain a court order sealing documents on a dispositive motion, the parties must make a "compelling showing" that the public's right of access is outweighed by the parties' interest in protecting the documents. CR 5(g)(2); *see Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). "In general, 'compelling reasons' sufficient to outweigh the public's interest in

1 disclosure and justify sealing court records exist when such court files might have become a
2 vehicle for improper purposes, such as the use of records to gratify private spite, promote public
3 scandal, circulate libelous statements, or release trade secrets.” *Kamakana*, 447 F. 3d at 1179
4 (internal citations omitted). “The mere fact that the production of records may lead to a litigant’s
5 embarrassment, incrimination, or exposure to further litigation will not, without more, compel
6 the court to seal its records.” *Id.* (citing *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,
7 1136 (9th Cir. 2003)). The Court will not grant broad authority to file documents under seal
8 simply because the parties have designated them as confidential in the course of discovery.
9 *Kamakana*, 447 F. 3d at 1183. “If possible, a party should protect sensitive information by
10 redacting documents rather than seeking to file them under seal.” CR 5(g)(3). Thus, “the motion
11 or stipulation to seal should include an explanation of why redaction is not feasible.” *Id.*

12 As to confidential financial information, the Court is inclined to seal information related
13 to future business practices over past business information. *Microsoft Corp. v. Motorola, Inc.*,
14 No. 10-1823, 2012 WL 5476846, at *4 (W.D. Wash. Nov. 12, 2012). However, the Court is
15 mindful of the proprietary nature of confidential financial information, and that past information
16 may be used to predict future business plans. *Id.* (provisionally granting a motion to seal
17 financial documents, as the documents pertain to a central issue in the case). Here, NPI seeks to
18 seal information containing monthly sales figures for 2005 through 2012, which lists the product
19 models and quantities sold. It argues that as a private company, its financial information is kept
20 strictly private in order to preserve its competitive position with sellers of similar products. The
21 Court agrees that the extent of past financial information contained in the documents may harm
22 NPI’s competitive position with respect to future business. NPI’s motion to seal (Dkt. # 59) is
23 GRANTED.

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2 Dated this 25 day of March 2013.
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A handwritten signature in black ink, appearing to read 'R. Martinez', is written over a horizontal line.

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6 RICARDO S. MARTINEZ
7 UNITED STATES DISTRICT JUDGE
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